

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**  
**1:07cv184**

<b>BORGWARNER, INC.; and</b>	)	
<b>BORGWARNER TURBO SYSTEMS,</b>	)	
<b>INC.,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>Vs.</b>	)	<b>ORDER</b>
	)	
<b>HONEYWELL INTERNATIONAL,</b>	)	
<b>INC.,</b>	)	
	)	
<b>Defendant.</b>	)	
	)	

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**THIS MATTER** is before the court on plaintiffs' Motion for Leave to File Under Seal (#32). Such motion is fully supported by a supporting brief, which contains

- (1) a non-confidential description of the material sought to be sealed;
- (2) a statement as to why sealing is necessary and why there are no alternatives to filing under seal;
- (3) a statement as to the period of time the party seeks to have the material maintained under seal and as to how the matter is to be handled upon unsealing; and

**(4) supporting statutes, case law or other authority.**

Review of the pleading reveals that portions of the responsive memorandum as well as certain exhibits contain proprietary information, the disclosure of which could irreparably harm plaintiffs' business. In order to protect such interests without unduly interfering with public review, plaintiffs propose the filing of redacted memorandum and exhibits, while submitting to the court under seal an unredacted version. The court finds this to be a most appropriate solution that serves the interests of justice and protects the public's right to access.

Further, the court finds that there are no lesser restrictive alternatives to sealing, and that the period for sealing--the duration of the litigation--is appropriate, with plaintiffs retrieving all sealed documents at the conclusion of the litigation. Finally, the court finds plaintiffs' proposal to be consistent with the considerations discussed in Media General Operations, Inc. v. Buchanan, 417 F.3d 424, 429 (4<sup>th</sup> Cir. 2005).

## **ORDER**

**IT IS, THEREFORE, ORDERED** that plaintiffs' Motion for Leave to File Under Seal (#32) is **ALLOWED**, and plaintiffs are **GRANTED** leave to publicly file the redacted versions of their memorandum and exhibits via ECF, with such response being deemed timely. The unredacted memorandum and exhibits shall be filed and

remain **UNDER SEAL** pending the conclusion of this litigation, whereupon the sealed portions of the docket deleted may be deleted upon request of counsel. The court will deliver the unredacted documents to the Clerk of this Court for filing, retain the originals for consideration in response to defendant's motion, and cause such to be destroyed upon disposition of such motion.

Signed: August 30, 2007

Dennis L. Howell

Dennis L. Howell  
United States Magistrate Judge

